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6 Attorneys for BAC Home Loans Servicing, L.P.  
fka Countrywide Home Loans Servicing L.P.

7  
8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF NEVADA**

10 In Re:

BK-S-09-25947 BAM

11 UBALDA BANDA and JUAN CARLOS  
12 REYNOSO,

Date: MARCH 25, 2010  
Time: 8:30 A.M.

13 Debtors.

Chapter 13

14  
15 OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

16 COMES NOW, BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing L.P.  
17 (Hereinafter "Secured Creditor") and files this Objection to Confirmation of Chapter 13 Plan stating as  
18 follows:

19 Secured Creditor is the first deed of trust holder on 652 POANA AVENUE, North Las Vegas,  
20 Nevada, (hereinafter "subject property"), and is owed over \$227,000.00. The Debtors filed a motion to  
21 value and reduce Secured Creditor's lien to \$130,482, which motion went unopposed and was  
22 ultimately granted. Secured Creditor is looking into whether or not it was properly noticed of the  
23 Motion to Value and may petition the Court for relief at a later date.

24 Secured Creditor asserts that this Court should not confirm the proposed plan because: 1) there  
25 is a complete lack of disclosure by these Debtors as detailed below, and 2) it is not feasible.

26 **A. Lack of Disclosure**

1 The Debtors claim that the subject property is a rental property yet their schedule "G" does not  
2 show any leases for real estate. See exhibit "A".

3 The Debtors do not list the ownership of any other property and claimed to have moved out of  
4 the subject property in July 2009, the month before filing this chapter 13 proceeding. Secured Creditor  
5 would like to subpoena utility documents and leases to determine if the Debtor is being candid with the  
6 Court. Furthermore, Congress did not intend for people to move out of their residence the month  
7 before filing bankruptcy in order to avoid the prohibition of modifying the debt on one's residence.

8 The owner of the property the Debtors claim to be renting as their "residence" is owned by Paul  
9 Albert McCann. It also happens to be the only property this person owns in Clark County, Nevada.  
10 Secured Creditor wants to investigate this situation as well to see if in fact Mr. Albert lives in the  
11 premises and Debtors are merely using his address. See exhibit "B1" and "B2".

12 Secured Creditor would like an opportunity to see a copy of any leases the Debtor has  
13 concerning the subject property and speak with the alleged tenant.

14 **B. Lack of Feasibility**

15 The Debtors do not have sufficient income to meet their plan requirements as can be seen in a  
16 simple review of their Amended Schedule "I" and looking at the proposed plan. Proposing to make  
17 payments of \$1,645.46 per month for 52 months and a one time payment of \$18,446.17 on September  
18 27, 2009 but does not list a source for that payment. See Amended schedule "I" attached hereto as  
19 exhibit "C".

20 The proposed payments total \$109,045.96 which amount does not cover the payment of the  
21 reduced value of the property, making the plan infeasible.

22 The Debtors should also explain the difference between their newly amended schedule "J" and  
23 the original schedule "J" they filed back in August 2009. See exhibits "D" and "E" respectively.

24 The differences are:

- 25 a. The change in their rent from \$1,350 to \$600,  
26

- b. The deletion of all utilities to only a telephone and cable bill,
- c. The deletion of \$650 in home maintenance, and
- d. The reduction of food from \$400 to \$50 per month.

Further, the Debtor Does not budget for taxes and upkeep of the alleged rental property in their amended schedule "J" making the plan even more infeasible.

11 U.S.C. 1326(a)(6) requires that a debtor will be able to make all payments under the plan. These Debtors have not proffered a plan that covers all necessary claims. If they attempt to do so, they do not have sufficient income to pay the same because of having already dedicated 100% of their disposable income.

Furthermore, a debtor is required to pay the entire amount of the reduced value of any real property through the plan. These Debtors have not attempted to do so in their current plan. Paying the \$130,482.00 would require plan payments of over \$2,500.00 per month for this creditor alone. Debtors do not have the income to do so.

Until these Debtors can come before this Court with more information or income to properly

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///

///

1 fund a plan, the Court should not confirm this plan. It does not have a reasonable likelihood of success.

2 WHEREFORE, Secured Creditor asks that this Court deny confirmaiton and dismiss this case.

3 DATED this 23<sup>rd</sup> day of March, 2010.

4 WILDE & ASSOCIATES

5 By \_\_\_\_\_

6 **GREGORY L. WILDE, ESQ.**

7 Attorneys for Secured Creditor

8  
9 Certificate of Facsimile

10 I certify that on March 23, 2010, I served a copy of the foregoing opposition on Debtors'

11 Counsel by facsimile as follows:

12 David Crosby, Esq.

13 Crosby & Associates

14 Fax No. (702) 382-1921

15  \_\_\_\_\_

B6C (Official Form 6G) (12/07)

In re Ubalda Banda,  
Juan Carlos ReynosoCase No. 09-25947

Debtors

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES - AMENDED**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,  
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.  
State whether lease is for nonresidential real property.  
State contract number of any government contract.

Verizon Wireless  
15900 SE Eastgate Way  
Bellevue, WA 98008

Cell Phone Contract

Verizon Wireless  
15900 SE Eastgate Way  
Bellevue, WA 98008

Cell Phone Contract

0

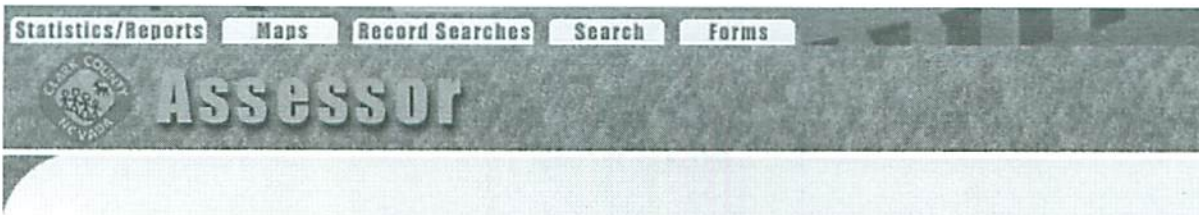
continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

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Best Case Bankruptcy

EX "A"





## M.W. Schofield, Assessor

### PARCEL OWNERSHIP HISTORY

[Assessor Map](#)
[Aerial View](#)
[Comment Codes](#)
[Current Ownership](#)
[New Search](#)

#### ASSESSOR DESCRIPTION

GREEN VALLEY EAST UNIT #1 PLAT BOOK 21 PAGE 97 LOT 7 BLOCK 2  
SEC 05 TWP 22 RNG 62

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
178-05-610-056	MCCANN PAUL ALBERT	20071029:04451	10/29/2007	NO STATUS	516	.20 AC

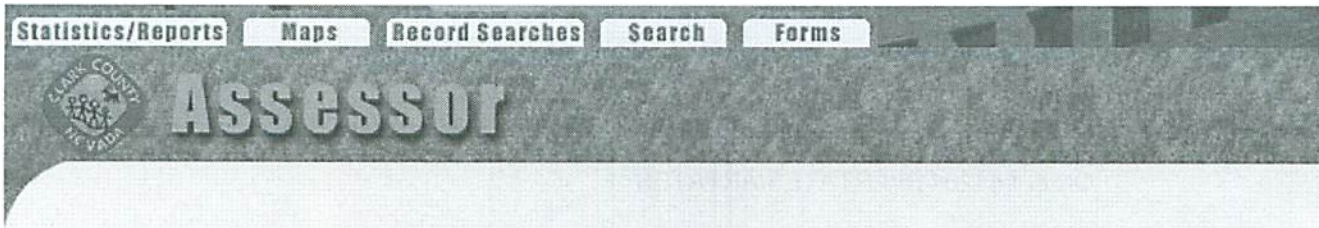
PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
178-05-610-056	AKSAMIT JOSEPH & PATRICIA FAM TR	20060516:04329	05/16/2006	NO STATUS	507	SUBDIVIDED LOT
178-05-610-056	AKSAMIT JOSEPH JR & PATRICIA F	20010601:02934	06/01/2001	COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP	507	SUBDIVIDED LOT
178-05-610-056	FELICIANO PETER J	20010601:02932	06/01/2001	NO STATUS	507	SUBDIVIDED LOT
178-05-610-056	FELICIANO PETER J & AUGUSTA T	1514:1473553	01/26/1982	JOINT TENANCY	507	SUBDIVIDED LOT
180-621-059	LEVY DAVID Z & SYLVIA	1248:1207940	07/03/1980	JOINT TENANCY	507	SUBDIVIDED LOT
180-621-059	KITTS KENNARD K & MARY B	1010:0969034	02/15/1979	JOINT TENANCY	507	SUBDIVIDED LOT
180-621-059	METROPOLITAN-NV CORP	0912:0871942	07/10/1978		507	SUBDIVIDED LOT
180-621-059	ANC INC	0886:0845318	05/11/1978		507	SUBDIVIDED LOT
180-620-014	ANC INC	0487:0446787	01/14/1975		507	30.41 AC
180-620-014	ANC INC	0487:0446787	01/14/1975		507	30.41 AC
180-620-001	AMERICAN-NEVADA PROPERTIES INC	0288:0247090	12/20/1972	NO STATUS	507	1.33 AC
180-620-001	AMERICAN-NEVADA PROPERTIES INC	0288:0247090	12/20/1972	NO STATUS	507	1.33 AC
180-620-001	AMERICAN NEVADA PROPERTIES INC	0288:0247090	12/20/1972		507	109.26 AC
180-620-001	AMERICAN NEVADA PROPERTIES INC	0288:0247090	12/20/1972		507	113.40 AC
180-620-001	GREENSPUN H M		11/11/1111		507	113.40 AC

Note: Only documents from September 15, 1999 through present are available for viewing.

**NOTE:** THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

EX "B."





## M.W. Schofield, Assessor

### PARCEL NUMBER INQUIRY - SEARCH BY OWNER'S NAME

OWNER NAME	OWNER NAME 2	TAX DISTRICT	PARCEL NUMBER
MCCANN JAMES G & JANICE		DST-250	#139-09-811-024
MCCANN JAMES N & SHERRY L	RICHARDS COREY D	DST-254	#124-34-326-014
MCCANN JEFFREY & KATHLEEN		DST-470	#161-29-410-038
MCCANN JEFFRY L		DST-200	#125-27-712-002
MCCANN JEWEL		DST-340	#140-34-412-008
MCCANN JOHN P		DST-254	#123-30-610-048
MCCANN JUSTUS & REBECCA		DST-200	#125-19-610-051
MCCANN KAY L		DST-200	#163-08-719-037
MCCANN KEITH		DST-505	#178-18-514-120
MCCANN KELLY E & CAROL A		DST-521	#179-08-715-044
MCCANN LEANN		DST-470	#161-18-814-017
MCCANN LEE L		DST-635	#176-36-713-012
MCCANN LLOYD M & CAROL A		DST-505	#178-29-612-023
MCCANN LYNN ANN		DST-200	#138-21-712-077
MCCANN MARGIE D		DST-340	#161-07-610-021
MCCANN MARY ELIZABETH GINGER		DST-200	#125-20-115-117
MCCANN MELVIN E & SUSAN A	GONZALES RICHARD M & DENISE M	DST-200	#125-25-412-020
MCCANN MICHAEL & LINDA		DST-505	#178-17-719-041
MCCANN OLGA & JEROME J		DST-470	#161-20-511-035
MCCANN PAMELA K		DST-200	#140-30-410-074
MCCANN PATRICIA M TRUST	MCCANN PATRICIA M TRS	DST-570	#161-22-312-004
MCCANN PATRICIA M TRUST	MCCANN PATRICIA M TRS	DST-417	#163-13-211-039
MCCANN PAUL ALBERT		DST-516	#178-05-610-056
MCCANN PETER & ALICE		DST-417	#163-14-114-041
MCCANN PETER H & MARY		DST-516	#178-06-812-015
1 2 3 4 5 ...			



Ex "Bz"  
3/23/2010



B61 (Official Form 61) (12/07)

In re **Ubalda Banda**  
**Juan Carlos Reynoso**

Debtor(s)

Case No. **09-25947****SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:		DEPENDENTS OF DEBTOR AND SPOUSE	
Married		RELATIONSHIP(S): Daughter	AGE(S): 16
Employment:		DEBTOR	SPOUSE
Occupation			Laborer
Name of Employer		Unemployed	Refining Systems
How long employed		6 months	7 years
Address of Employer		1985 Whitney Mesa Henderson, NV 89014	

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)  
2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ 0.00	\$ 2,600.00
\$ 0.00	\$ 192.29

## 3. SUBTOTAL

\$ 0.00	\$ 2,792.29
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## 4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security  
b. Insurance  
c. Union dues  
d. Other (Specify):

\$ 0.00	\$ 758.33
\$ 0.00	\$ 162.50
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

## 5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ 0.00	\$ 920.83
---------	-----------

## 6. TOTAL NET MONTHLY TAKE HOME PAY

\$ 0.00	\$ 1,871.46
---------	-------------

7. Regular income from operation of business or profession or farm (Attach detailed statement)  
8. Income from real property  
9. Interest and dividends  
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above  
11. Social security or government assistance (Specify): Unemployment Compensation  
12. Pension or retirement income  
13. Other monthly income (Specify):

\$ 0.00	\$ 0.00
\$ 1,200.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 1,841.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

## 14. SUBTOTAL OF LINES 7 THROUGH 13

\$ 3,041.00	\$ 0.00
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## 15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ 3,041.00	\$ 1,871.46
-------------	-------------

## 16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

\$ 4,912.46
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(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

VB. RT  
EX "C"



B6J (Official Form 6J) (12/07)

In re **Ubalda Banda**  
**Juan Carlos Reynoso**

Case No. 09-25947

Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) -  
AMENDED**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

- |  |   |    |          |
|--|---|----|----------|
| 1. Rent or home mortgage payment (include lot rented for mobile home)  |   | \$ | 600.00   |
| a. Are real estate taxes included?   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    |          |
| b. Is property insurance included?   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    |          |
| 2. Utilities:  |   | \$ | 0.00     |
| a. Electricity and heating fuel  |   | \$ | 0.00     |
| b. Water and sewer   |   | \$ | 104.00   |
| c. Telephone   |   | \$ | 65.00    |
| d. Other <u>Cable</u>  |   | \$ | 0.00     |
| 3. Home maintenance (repairs and upkeep)   |   | \$ | 400.00   |
| 4. Food  |   | \$ | 100.00   |
| 5. Clothing  |   | \$ | 50.00    |
| 6. Laundry and dry cleaning  |   | \$ | 0.00     |
| 7. Medical and dental expenses   |   | \$ | 185.00   |
| 8. Transportation (not including car payments)   |   | \$ | 50.00    |
| 9. Recreation, clubs and entertainment, newspapers, magazines, etc.  |   | \$ | 0.00     |
| 10. Charitable contributions   |   | \$ | 0.00     |
| 11. Insurance (not deducted from wages or included in home mortgage payments)  |   | \$ | 0.00     |
| a. Homeowner's or renter's   |   | \$ | 155.00   |
| b. Life  |   | \$ | 0.00     |
| c. Health  |   | \$ | 290.00   |
| d. Auto  |   | \$ | 0.00     |
| e. Other   |   | \$ | 0.00     |
| 12. Taxes (not deducted from wages or included in home mortgage payments)  |   | \$ | 0.00     |
| (Specify)  |   | \$ | 0.00     |
| 13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)   |   | \$ | 651.00   |
| a. Auto  |   | \$ | 467.00   |
| b. Other <u>2009 Altima Payment</u>  |   | \$ | 0.00     |
| c. Other   |   | \$ | 0.00     |
| 14. Alimony, maintenance, and support paid to others   |   | \$ | 0.00     |
| 15. Payments for support of additional dependents not living at your home  |   | \$ | 150.00   |
| 16. Regular expenses from operation of business, profession, or farm (attach detailed statement)   |   | \$ | 0.00     |
| 17. Other  |   | \$ | 0.00     |
| Other  |   | \$ | 0.00     |
| 18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) |   | \$ | 3,267.00 |
| 19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:                                 |   |    |          |
| 20. STATEMENT OF MONTHLY NET INCOME  |   |    |          |
| a. Average monthly income from Line 15 of Schedule I   |   | \$ | 4,912.46 |
| b. Average monthly expenses from Line 18 above   |   | \$ | 3,267.00 |
| c. Monthly net income (a. minus b.)  |   | \$ | 1,645.46 |

UB. RT  
EX "D"

B6J (Official Form 6J) (12/07)

In re **Ubalda Banda**  
**Juan Carlos Reynoso**

Debtor(s)

Case No. \_\_\_\_\_

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$	<u>1,350.00</u>
a. Are real estate taxes included?	Yes _____ No <u>X</u>		
b. Is property insurance included?	Yes _____ No <u>X</u>		
2. Utilities:		\$	<u>185.00</u>
a. Electricity and heating fuel		\$	<u>65.00</u>
b. Water and sewer		\$	<u>85.00</u>
c. Telephone		\$	<u>45.00</u>
d. Other <u>Gas</u>		\$	<u>650.00</u>
3. Home maintenance (repairs and upkeep)		\$	<u>50.00</u>
4. Food		\$	<u>20.00</u>
5. Clothing		\$	<u>0.00</u>
6. Laundry and dry cleaning		\$	<u>25.00</u>
7. Medical and dental expenses		\$	<u>185.00</u>
8. Transportation (not including car payments)		\$	<u>0.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	<u>0.00</u>
10. Charitable contributions		\$	<u>0.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		\$	<u>0.00</u>
a. Homeowner's or renter's		\$	<u>0.00</u>
b. Life		\$	<u>0.00</u>
c. Health		\$	<u>0.00</u>
d. Auto		\$	<u>155.00</u>
e. Other _____		\$	<u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		\$	<u>0.00</u>
(Specify) _____		\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		\$	<u>845.00</u>
a. Auto		\$	<u>0.00</u>
b. Other _____		\$	<u>0.00</u>
c. Other _____		\$	<u>0.00</u>
14. Alimony, maintenance, and support paid to others		\$	<u>0.00</u>
15. Payments for support of additional dependents not living at your home		\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	<u>0.00</u>
17. Other _____		\$	<u>0.00</u>
Other _____		\$	<u>0.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		\$	<u>3,660.00</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:			
20. STATEMENT OF MONTHLY NET INCOME			
a. Average monthly income from Line 15 of Schedule I		\$	<u>4,495.50</u>
b. Average monthly expenses from Line 18 above		\$	<u>3,660.00</u>
c. Monthly net income (a. minus b.)		\$	<u>835.50</u>

Ex "E"